

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TODD F. MEYERS,

Defendant.

Case No. 8:07CR336

ORDER

This case came before the Court on a Petition for Action on Conditions of Pretrial Release (#12). On November 10, 2007 Pretrial Services Officer Lisa Caviness submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

1. The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.

7. The defendant shall:

(a) Truthfully report to the United States Pretrial Services Agency as directed [telephone no. (402) 661-7560] and comply with their directions.

(n) Not possess or use a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner.

(o) Submit to any method of testing at his/her own expense as required by the officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and may include urine testing, the wearing of a sweat patch, blood tests, and/or a remote alcohol testing system. Defendant shall not obstruct or attempt to obstruct or tamper in any fashion with the efficiency and accuracy of any substance testing equipment, nor submit samples of body fluids which are not his/her own, or otherwise adulterate any samples submitted for testing. All collections of fluids for testing shall be at the defendant's expense, payable at the time of collection.

On 11/19/07, the defendant was arrested for Possession of a Controlled Substance and Possession of Drug Paraphernalia by the Nebraska State Patrol. The defendant failed to report to Pretrial Services on 11/19/07 and tested positive for amphetamine and methamphetamine on 10/30/07.

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on January 2, 2008. James M. Davis, Assistant Federal Public Defender, represented Defendant. Thomas Kangior, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Lisa Caviness dated January 2, 2008. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release (#8) should be revoked. The issue of detention is held in abeyance and Pretrial Services is directed to contact NOVA to determine if there is a bed available.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release (#12) is granted; and
2. The October 4, 2007 Order Setting Conditions of Release (#8) is hereby revoked and the issue of detention is held in abeyance.

Dated this 2nd day of January 2008.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge